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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DIANNE CHERIS MEEK;

Plaintiff,

v.

MACY'S, INC. d/b/a MACY'S, a foreign
business corporation,

Defendant.

Case No. 3:22-cv-00727

**DEFENDANT MACY'S, INC.'S
NOTICE OF REMOVAL UNDER 28
U.S.C. §§ 1332, 1441, AND 1446**

DEFENDANT MACY'S, INC.'S NOTICE OF REMOVAL

Defendant Macy's, Inc. ("Macy's"), by and through its attorneys, hereby removes this action—Washington County Circuit Court Case No. 22CV12030—to the United States District Court for the District of Oregon, Portland Division. Macy's is entitled to remove this case to Federal Court because this Court has diversity jurisdiction over the underlying dispute and Macy's is filing this notice of removal within 30 days of receiving the complaint.

THE REMOVED CASE

1. The removed case is a state-law action alleging negligence.

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2. On April 8, 2022, Plaintiff filed a complaint alleging \$403,000 in damages, which is above the \$75,000 necessary for removal to Federal Court.

3. Defendant Macy's, Inc. was incorporated in Delaware and has its principal place of business in Cincinnati, Ohio. Plaintiff alleges she resides in Washington County, Oregon. Therefore, there is diversity among the parties.

PAPERS FROM REMOVED ACTION

4. Pursuant to 28 U.S.C. § 1446(a), Macy's attaches to this Notice of Removal a copy of all process, pleadings, and other papers or exhibits of every kind, including depositions, on file in the state court. *See* Exhibit 1, attached hereto.

THE REMOVAL IS TIMELY

5. Under 28 U.S.C. § 1446(b), a defendant must file a notice of removal within 30 days after receiving the complaint. Here, Plaintiff purports to have effected service of the Complaint and Summons on Macy's on April 18, 2022. *See* Affidavit of Service, Exhibit 1. Thirty (30) days have not yet expired since service was accomplished. Accordingly, this removal is timely.

VENUE IS PROPER

6. Under U.S.C. § 1441(a), a removable state-court case should be removed to "the district and division embracing the place where such action is pending." Plaintiff filed her Complaint in the Washington County Circuit Court in Washington County, Oregon. *See* Exhibit 1; Compl. Washington County, Oregon is within the United States District Court for the District of Oregon, Portland Division. The Portland Division is therefore the proper venue for initial removal.

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FILING OF REMOVAL PAPERS

7. Pursuant to 28 U.S.C. § 1446(d), Macy's will promptly file a copy of this Notice of Removal with the Washington County Circuit Court, Washington County, Oregon, and will serve a copy of the same upon counsel for Plaintiff. By filing this Notice of Removal, Macy's does not waive any jurisdictional or other defenses that might be available to it. In addition, Macy's expressly reserves the right to move for transfer and for dismissal of some or all of Plaintiff's claims pursuant to Rule 12 of the Federal Rules of Civil Procedure. Macy's reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant Macy's hereby removes this action from the Washington County Circuit Court, Washington County, Oregon, to the United States District Court for the District of Oregon, Portland Division and requests that this Court retain jurisdiction for all further proceedings in this matter. Should any question arise as to the removal of this matter, Defendant Macy's respectfully requests an opportunity to conduct appropriate discovery and/or to provide briefing and oral argument as to why removal is proper.

Dated: May 17, 2022.

GORDON REES SCULLY MANSUKHANI, LLP

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